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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RICHARD ALLEN FABEL,
14 RODNEY ROLLNESS,
15 JOSHUA BINDER,
16 RICKY JENKS, and
17 PAUL FOSTER

18 Defendants.

19 Case No. CR06-041L

20 ORDER DENYING MOTION TO
21 INSPECT SCENE OF RACKETEERING
22 ACT 1

23 This matter comes before the Court on defendant Rollness, Fabel, Binder and Jenks'
24 “Motion to Inspect Scene of Racketeering Act 1” (Dkt. #278). Defendants seek Court
25 authorization to inspect and photograph the apartment where the crime described in
26 Racketeering Act 1 is alleged to have taken place.

27 The Court concludes that defendants have failed to offer a sufficient factual or legal basis
28 for their request. The apartment in question is a private residence and is not under the “control”
29 of the Government. In fact, Government agents have only been inside the residence once and
30 defendants have been provided photographs that resulted from that visit. Defendants have
31 offered no reason why these photographs are insufficient for the purpose of investigating the
32 allegation at issue in Racketeering Act 1, which has little to do with the physical layout of

33 ORDER DENYING MOTION TO INSPECT
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1 apartment in question. Defendants' motion (Dkt. #278) is therefore DENIED.

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3 DATED this 30th day of January, 2007

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6 Robert S. Lasnik
7 United States District Judge

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ORDER DENYING MOTION TO INSPECT
SCENE OF RACKETEERING ACT 1